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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,481	02/07/2002	Ryuichi Oka	S004-4647	7281

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50 BROADWAY
NEW YORK, NY 10004

EXAMINER

AYELE, MARIO

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,481	Applicant(s) OKA, RYUICHI	
	Examiner Mario Ayele	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-16-03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2-7-2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 3, 4, 6, 7, 10, are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al (US 6,615,161 B1).

Regarding **claim 3**, Carney et al. discloses a printer and a host computer having communication control means for polling the printer by sending a status request command to the printer at predetermined intervals to acquire a current status of the

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printer (column 4, lines 52-55) and for sending print data and a control command to the printer, print control means for generating the print data and the control command (it is inherent that a computer has a communication control means and print control means for generating print data and the control command, for example the start option to print), command analysis means for analyzing printer status information sent by the printer in response to the status request command (column 2, lines 31-34), and access interval alteration means for altering the interval at which the status request command is sent to the printer by the communication control means based on the printer status information (column 4 lines 55-60).

Regarding **claim 4**, Carney et al. discloses the printer comprises communications control means for enabling bi-directional communications between the printer and host computer (column 4, 52-55, shows a bi-directional communication), status control means for generating the printer status information in response to the status request command sent by the host computer (column 4 lines 52-54), print data analysis means for analyzing the print data, and print execution means for executing printing based on the analyzed print data (it is inherent that a printer receives and analyzes print data and then executes printing based on this analysis).

Regarding **claim 6**, the rationale provided in the rejection of claim 3 is incorporated herein.

Regarding **claim 7**, Carney et al. discloses the access interval alteration means is provided in the host computer (column 4, lines 57-59).

Regarding **claim 10**, the rationale provided in the rejection of claim 3 is incorporated herein.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (US 6,615,161 B1) in view of Carney et al. (US 6,449,663 B1).

Regarding **claim 5** Carney et al. ('161) does not explicitly disclose the access interval alteration means comprises a timer for setting an access interval for sending the status request command and timer control means for controlling the timer to alter the access interval such that when the printer status information indicates one or more of an abnormality in the printer, a communications abnormality, or a printer busy status, the access interval becomes smaller than when the printer status information indicates a normal operation status. However, Carney et al. ('663) discloses the access interval alteration means comprises a timer for setting an access interval for sending the status

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request command (column 4, lines 8-13), and timer control means for controlling the timer to alter the access interval such that when the printer status information indicates one or more of an abnormality in the printer, a communications abnormality, or a printer busy status, the access interval becomes smaller than when the printer status information indicates a normal operation status (column 4, lines 28-35). At the time of invention it would have been obvious to add a timer for setting an access interval and a timer control means for controlling the timer to alter the access interval in the case of an abnormality in the printer or communications because interruptions (i.e. paper jams) occur frequently when printing.

Regarding **claim 8**, the rationale provided in the rejection of claim 5 is incorporated herein.

Regarding **claim 9**, the rationale provided in the rejection of claim 5 is incorporated herein.

Regarding **claim 11**, the rationale provided in the rejection of claim 4 is incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mario Ayele whose telephone number is 571-272-0624. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mario Ayele
Examiner
Art Unit 2622

MA



MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600